

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Prior to the Final Office Action, claims 1-22 were pending. Through this Reply, claims 23-28 have been added. Claims 1, 6, 11, 13, 15, 17, 19, 21, 23 and 26 are independent.

FORM 1449 ACKNOWLEDGMENT REQUESTED

It is noted that Applicant has not yet received an initialed copy of the PTO-1449 Form for the present application. Applicant requests that such form be provided.

§ 103 REJECTION – MAYLE, MANOLIS

Claims 1-22 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Mayle (USP 6,542,936) in view of Manolis et al. (USP 6,583,799). Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In the Final Office Action (as well as in the initial Office Action dated June 22, 2004), the Examiner relied upon Mayle's disclosure of a series of input screens associated with clickable tabs as being a series (or a plurality) of templates. *See Office Action item 6, second paragraph, lines 2-4.*

Applicant respectfully disagrees with the Examiner's interpretation. Applicant recognizes that, for examination purposes, the claims must be given their broadest reasonable interpretation. The broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach. *See MPEP Section 2111.* The words of the claims must also be given their plain meaning unless they are defined in the specification. *See MPEP Section 2111.01, I.* Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. *See MPEP 2101.01, II.*

In this instance, those skilled in the art would recognize that the series of clickable tabs as disclosed in Mayle is merely a single template with various customizable areas. Each tab merely represents a particular customizable area of the template being populated with user's particular specification. One of ordinary skill in the art would not consider the series of clickable tabs as a series (plurality) of different templates. Clearly, the Examiner interpretation is unreasonably broad.

However, to make the distinction clear, independent claim 1 has been amended to recite “wherein each template is unique in its combination of customizable areas within the catalog” to be more in line with ordinary and customary meaning of the templates. *Emphasis added.* Given this clarification, even if the disclosure of Mayle is interpreted unreasonably broad as alleged, it is clear that Mayle cannot be relied upon to teach or suggest the templates as recited in independent claim 1. More specifically, the series of clickable tabs all have exactly the same customizable areas. In other words, in terms of customizable areas, none of the clickable tabs is unique. Thus, independent claim 1 is distinguishable over Mayle.

Regarding Manolis, it is clear that Manolis cannot be relied upon to correct for at least the above-noted deficiency of Mayle. Indeed, contrary to the Examiner’s assertion, Manolis cannot be relied upon to teach the concept of a template at all. Manolis is directed toward a system to upload images from a local computer to a server. Manolis merely provides a bucket where a user may drag and drop an image into the bucket and the system uploads the image file associated with the dropped image to the server. Manolis also discloses that a thumbnail representation of the image dropped in the bucket is displayed to the user. However, Manolis is entirely silent regarding templates of any type. Clearly, Manolis cannot be relied upon to correct the above-noted deficiency of

Mayle. Therefore, independent claim 1 is distinguishable over the combination of Mayle and Manolis.

It is noted that independent claims 11, 15 and 21 recite a similar feature to independent claim 1. Therefore, these independent claims are also distinguishable over the combination of Mayle and Manolis.

The same independent claims – 1, 11, 15, and 21 – also recite, in part “concurrently displaying a plurality of the templates of the catalog.” As recognized by the Examiner, the series of clickable tabs disclosed in Mayle are viewable only one at a time at best. Since Manolis does not address the notion of templates at all, it cannot correct the above-noted deficiency of Mayle. Thus, the feature of concurrently displaying the plurality of templates also distinguishes the independent claims 1, 11, 15 and 21 over the combination of Mayle and Manolis.

Claims 2-5, 12, 16 and 22 depend from independent claims 1, 11, 15, and 21 directly or indirectly. Therefore, for at least due to the dependency thereon from the independent claims 1, 11, 15 and 21, these dependent claims are also distinguishable over the combination of Mayle and Manolis.

Regarding independent claims 6, 13, 17, and 19, it is noted that these claims also recite the feature of concurrently displaying the plurality of the templates of the catalog. Thus, for at least this reason, independent claim 6, 13,

17 and 19 are distinguishable over the combination of Mayle and Manolis as discussed above.

In addition, these independent claims recite, in part “wherein each template of the catalog has a different user image inserted therein from other templates of the catalog.” *Emphasis added*. Clearly, this is in contrast to the disclosure of Mayle where once the image area is filled, it remains filled for all other clickable tabs. Thus, even under the unreasonable interpretation espoused in the Final Office Action, Mayle cannot be relied upon to teach or suggest the above-recited feature.

Clearly, Manolis cannot be relied upon to correct for at least this deficiency of Mayle. Thus, the feature of each template of the catalog having a different user image inserted therein also distinguishes independent claims 6, 13, 17 and 19 from the combination of Mayle and Manolis.

Dependent claims 7-10, 14, 18 and 25 depend from independent claims 6, 13, 17 and 19 directly or indirectly. Thus, for at least due to the dependency thereon, these dependent claims are also distinguishable over the combination of Mayle and Manolis.

Applicant respectfully requests that the rejection of claims 1-22 based on Mayle and Manolis be withdrawn.

NEW CLAIMS

New claims 23-28 have been added through this Reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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